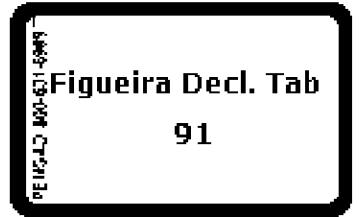


UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK



VIACOM INTERNATIONAL, INC., COMEDY)
PARTNERS, COUNTRY MUSIC)
TELEVISION, INC., PARAMOUNT)
PICTURES CORPORATION, and BLACK)
ENTERTAINMENT TELEVISION, LLC,)

Plaintiffs,)

vs.) NO. 07-CV-2203

YOUTUBE, INC., YOUTUBE, LLC,)
and GOOGLE, INC.,)

Defendants.)

THE FOOTBALL ASSOCIATION PREMIER)
LEAGUE LIMITED, BOURNE CO., et al.,)
on behalf of themselves and all)
others similarly situated,)

Plaintiffs,)

vs.) NO. 07-CV-3582

YOUTUBE, INC., YOUTUBE, LLC, and)
GOOGLE, INC.,)

Defendants.)

VIDEOTAPED DEPOSITION OF CHRIS MAXCY
SAN FRANCISCO, CALIFORNIA
THURSDAY, AUGUST 28, 2008

BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CLR
CSR LICENSE NO. 9830
JOB NO. 15485

1 MAXCY 91-0002

2 A Yes.

3 Q Do you -- do you remember whether there was
4 one -- was there a phone conversation?

5 A I believe there was a phone conversation, but
6 my memory fails me as to who and when.

7 Q Do you remember whether YouTube provided any
8 information or material to Cherry Lane concerning
9 partnership opportunities?

10 A What kind of material?

11 Q At any -- you testified that there was --
12 that you recall a conversation.

13 A Yes.

14 Q I take it a telephone conversation with
15 either Mr. Hauprich or Mr. Jacobson.

16 A Yes.

17 Q You don't remember when -- when it was?

18 A No.

19 Q And do you remember anything about the
20 substance?

21 A I recall having a conversation and explaining
22 that we were working with major record labels, and
23 that we were trying to work with those labels to clear
24 synchronization rights for our music and that we were
25 trying to rely on the record labels to clear the

1 MAXCY 91-0003

2 synchronization with the publishers, but what we were
3 running into was two issues.

4 One was incomplete data and, two, historical
5 acrimony between music publishers and record labels,
6 and so it was very difficult to identify who the
7 publishers were to even work with them, but the
8 premise of the conversation was that we were relying
9 on the record labels to clear the synchronization
10 rights that we needed for publishers.

11 Q So if I'm understanding, Cherry Lane, as you
12 understand it, is a music publisher?

13 A As far as I know, yes.

14 Q As distinct from a record label?

15 A That's correct --

16 Q And briefly --

17 A -- as I recall.

18 Q -- briefly, generally, how are you
19 distinguishing between the two so we can have it on
20 the record?

21 A I understand a record label produces or owns
22 rights in a sound recording, and a music publisher
23 would typically own rights in composition.

24 Q And was it -- when you spoke with Mr.
25 Hauprich or Mr. Jacobson, was it YouTube's business